

APPEAL NO. 032881  
FILED DECEMBER 19, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 3, 2003. The hearing officer determined that appellant (claimant) did not have disability resulting from his \_\_\_\_\_, injury. Claimant appealed this determination on sufficiency grounds and also contended that the hearing officer abused his discretion in excluding claimant's exhibits. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer abused his discretion in excluding claimant's exhibits, which claimant admitted were not timely exchanged. The hearing officer was not required to accept into evidence all medical reports without regard to whether they had been exchanged. We perceive no abuse of discretion.

Claimant contends that the carrier failed to exchange all of the medical evidence in its possession. However, the consequence of not timely exchanging evidence is that such evidence will not be admitted. Claimant does not contend that the hearing officer improperly admitted any evidence that was not exchanged timely. We perceive no error.

We have reviewed the complained-of disability determination and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Judy L. S. Barnes  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Edward Vilano  
Appeals Judge